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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,414	01/12/2006	Noriyuki Sakoh	283098US6PCT	8040
22850	7590	10/21/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			SHIU, HO T	
			ART UNIT	PAPER NUMBER
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			NOTIFICATION DATE	DELIVERY MODE
			10/21/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/564,414	<b>Applicant(s)</b> SAKOH ET AL.	
	<b>Examiner</b> HO SHIU	<b>Art Unit</b> 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-18 are pending in this application. Claims 1-18 have been amended by Applicant's amendment filed on 07/03/2008.

#### ***Claim Objections***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is objected to since it seems that applicant's have forgotten to take out the word "comprises" when they added "includes" in claim 2. The examiner notes that claim 10 was amended similarly like claim 2 while applicant has taken out the word "comprise" and replaced it with "includes".

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-3, 5-11, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent # 7,299,271 B2, hereinafter Sato) in view of**

**Kyojima et al (US Patent # 6,275,936 B1, hereinafter Kyo).**

6. With respect to claims 1, 9, and 17, Sato discloses a content acquisition method, device, and computer readable recording medium storing a program, which when executed by a processor, causes the processor to execute a procedure comprising: sending file request information that requests an acquire/use file storing acquire/use content identification information and content attribute information, to an acquire/use information providing device (col. 2, lines 62-33, col. 3, lines 1-8), receiving via a proxy device (col. 6, lines 17-23), said acquire/use file that stores the content identification information and said attribute information of said content data sent by said acquire/use information providing device in response to the content data request, said content identification information and content attribute information are stored in a data area such that no information is removed when the acquire/use file passes through said proxy device (col. 6, lines 24-36, col. 2, lines 25-28, A proxy server that passes all requests and replies unmodified is called a gateway or tunneling proxy. Residential gateways are also known as routers.); sending step of sending content request information requesting said content data from a content providing device according to said acquire/use information contained in said acquire/use file (col. 6, lines 50-55); receiving said content data sent by said content providing device in response to the transmission of said content request information (col. 7, lines 4-10).

Although Sato discloses the claimed invention, Sat does not clearly disclose said content identification information and content attribute information are stored in a data

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area such that no information is removed when the acquire/use file passes through said proxy device.

However, in the same field of endeavor, Kyo discloses said content identification information and content attribute information are stored in a data area such that no information is removed when the acquire/use file passes through said proxy device (col. 12, lines 28-35).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Sato with the teachings of Kyo in order to prevent any user from changing the information so that statistical work, inspection or the like would be available.

7. With respect to claims 2 and 10, Sato discloses wherein the attribute information corresponding to said content data comprises includes data size information of said content data (col. 3, lines 29-32).

8. With respect to claims 3 and 11, Sato discloses comparing said data size information of said content data contained in said acquire/use file with a free space of a recording media to be used to record said content data upon reception (col. 4, lines 15-20); and notifying a lack of said free space in said recording media for storing the content data if said free space in said recording media is insufficient (col. 3, lines 37-41).

9. With respect to claim 5 and 13, Sato discloses said receiving via a proxy device receives said acquire/use file sent in compliance with HTTP (Hyper Text Transfer Protocol) from said acquire/use information providing device, said acquire/use file storing said content identification information and said attribute information of said content data in its main section (col. 3, lines 29-36).

10. With respect to claims 6, 14, and 18, Sato discloses an acquire/use information providing method, device, computer readable recording medium storing a program which when executed by a processor causes the processor to execute a procedure comprising: receiving file request information for requesting an acquire/use file that stores acquire/use content identification information and content attribute information of content data, sent by a content acquisition device in response to a request for the content data by a content data acquisition device (col. 3, lines 22-27); and sending via a proxy device to said content acquisition device (col. 6, lines 17-23), said acquire/use file that stores content data content identification information and the attribute information of the content, said content identification information and content attribute information are stored in a data area such that no information is removed when the acquire/use file passes through said proxy device, in response to the received file request information (col. 6, lines 24-36, col. 2, lines 25-28, A proxy server that passes all requests and replies unmodified is called a gateway or tunneling proxy. Residential gateways are also known as routers).

Although Sato discloses the claimed invention, Sato does not clearly disclose said content identification information and content attribute information are stored in a data area such that no information is removed when the acquire/use file passes through said proxy device.

However, in the same field of endeavor, Kyo discloses said content identification information and content attribute information are stored in a data area such that no information is removed when the acquire/use file passes through said proxy device (col. 12, lines 28-35).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Sato with the teachings of Kyo in order to prevent any user from changing the information so that statistical work, inspection or the like would be available.

11. With respect to claims 7 and 15, Sato discloses said attribute information corresponding to said content data includes data size information of said content data (col. 3, lines 29-32).

12. With respect to claims 8 and 16, Sato discloses said sending via a proxy device sends said acquire/use file in compliance with HTTP (Hyper Text Transfer Protocol), said acquire/use file storing said content identification information and said data size information of said content data in its main section (col. 3, lines 29-36).

**13. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Kyo as applied to claims 1, 2, 9, and 10 and in further view of Dansie et al. (US Patent # 7,308,487 B1, hereinafter Dansie).**

14. With respect to claims 4 and 12, Sato discloses comparing the data size of received content data with said data size information of said content data contained in said acquire/use file, and determining whether the content data has been successfully received (col. 5, lines 11-21).

In the same field of endeavor, Dansie discloses a determination step of, after receiving said content data, comparing the data size of received said content data with said data size information of said content data contained in said acquire/use file, and determining whether or not said content data is successfully received (col. 14, lines 67, col. 15, lines 1-8).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Sato with the teachings of Dansie in order to recognize that the file was interrupted or not complete while being transferred.

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.



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16. On page 14-15 of Applicant's arguments, Applicant argues that there is no motivation to combine Sato and Dansie which is now Sato, Kyo, and Dansie for claim 4. The examiner has cited in Sato col. 5, lines 11-21. Sato clearly discloses that the user checks whether or not the content is downloaded to the home system and checks the file size of the content.

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HO SHIU whose telephone number is (571)270-3810.

The examiner can normally be reached on Mon-Thur (8:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HTS  
10/13/2008

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